

**AMENDMENTS TO THE DRAWINGS**

**REMARKS**

Upon entry of this paper, claims 1, 2, 8, 9, 11, and 16 have been amended, no claims have been canceled, and no claims have been added as new claims. Thus, claims 1-20 are presently pending in this application. No new matter has been added.

**Abstract Objections**

The Abstract was objected to for using phrases which can be implied. The Abstract has accordingly been amended to remove such phrases. Applicant therefore believes the Abstract to be in proper format. Withdrawal of this objection is respectfully requested.

**Claim Rejections under 35 U.S.C. §103**

*Claims 1-2, 4, 7-9, 11-13, 15-19*

Claims 1-2, 4, 7-9, 11-13, 15-19 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over US Publication No. 2001/0034016 to Ziv-el et al. (Ziv-el) in view of US Patent No. 6435,880 to Tsumori (Tsumori). Independent claims 1, 8, 11, and 16 have been amended to more clearly identify the present invention. Applicant further distinguishes the claimed invention from the cited references according to the following remarks.

Ziv-el is generally directed to a teaching and learning method and system (143, 145, 147, 148, 152) that communicates exercises, including URL's of Web pages and questions related thereto. Each exercise is distributed by the teacher's computer (143), synchronously, or downloaded by a student computer (147), asynchronously. An

indicator (129) used on the Web page of one computer can be viewed on the same Web page displayed on the other computers. Responses are processed by the response server (145) and by comparison and evaluation logic, and displayed contemporaneously on the teacher's computer, together with scoring information (105, 106) and with URL's (107) associated with links used on each student computer. Scores are awarded automatically, or arbitrarily by clicking on the screen (105) of the teacher's computer. A feedback signal (80) may appear on the student computer with each keystroke to indicate its correctness. Responses selected on the teacher's computer may viewed on the student computers or on a Class Display (171).

Tsumori is generally directed to a learning-support device where a question-screen display part displays a question-screen composed of a question and moving images as choices for an answer. A selection reception part receives a user-selection indicating which of the moving images on the question-screen is selected by a user. A correct/incorrect determination part determines whether the user-selection is correct or incorrect. When the user-selection is determined as correct, a correct-answer-explanation-screen display part displays a correct-answer-explanation-screen including an explanation for the correct answer and the correct moving image. When the user-selection is determined as incorrect, an incorrect-answer-explanation-screen display part displays an incorrect-answer-explanation-screen including an explanation for the incorrect answer and the correct moving image.

Neither Ziv-el, nor Tsumori, individually or in combination, teach or suggest all of the claimed elements in the amended claims. Specifically, Ziv-el teaches the verification of the answers provided by the user being carried out on the server, not on the client. This requires an extra processing step, and extra communication to an external device, beyond that which is required in the present claimed invention. In addition, Ziv-el fails to teach or suggest the display of a list of possible answers. Tsumori was introduced to address the lack of disclosure of the display of possible answers. However, Tsumori fails to disclose the additional missing element of the verification of answers

occurring on the client when the educational software tool originates on a server. Tsumori refers to repeated requests to the server to provide information based on answers given by the user on the test (*see* column 16, lines 32-55).

Applicant further submits that in addition to the combination of Ziv-el and Tsumori failing to teach or suggest all elements of the amended claims, there is no suggestion for the combination.

Ziv-el discloses a self-contained method and system for online teaching using web pages. Ziv-el discusses a specific list of possible question structures in paragraph [0034], and fails to indicate that other alternatives might be required. Accordingly, there is insufficient suggestion or motivation for one of ordinary skill in the art to look to Tsumori to find an alternative question and answer format. As such, Applicant respectfully submits that the combination suggested in the Office Action is improper.

Applicant respectfully submits that unless a *prima facie* case of unpatentability with respect to known facts is established, applicant is not obliged to proffer any evidence of nonobviousness. To establish a *prima facie* case there must be some suggestion or motivation, either in the prior art or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine multiple reference teachings. There must then be a reasonable expectation of success. Finally, the prior art reference or references (when combined) must teach or suggest all the claimed limitations.

Reconsideration and withdrawal of this rejection is respectfully requested.

*Claims 3, 5-6, 10, 14, and 20*

Claims 3, 5-6, 10, 14, and 20 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over US Publication No. 2001/0034016 to Ziv-el et al. (Ziv-el) in

view of US Patent No. 6435,880 to Tsumori (Tsumori) and in further view of US Publication NO. 2001/0051330 to Futakuchi (Futakuchi). Independent claims 1, 8, 11, and 16 have been amended to more clearly identify the present invention. In addition, remarks have been provided identifying the failure of Ziv-el and Tsumori to make the amended claims obvious.

Futakuchi is generally directed to an apparatus for providing remote teaching to a student at a terminal through a network. The apparatus comprises a question database including questions, an answer database including an answer key, and a comment database including one or more common wrong answers students are apt to make, prepared respectively for each question. The comment database also includes mistake indicating comments to the respective common wrong answers. The mistake indicating comments are designed to let a student know that his/her answer is wrong and why. The apparatus further comprises a control unit configured to, after an answer is received from the student, determine based on the answer key whether the answer is right. The control unit is further configured to, when the answer is not right, select from the comment database a mistake indicating comment corresponding to both the question given to the student and his/her answer for providing the comment to the student.

Futakuchi is combined with Ziv-el and Tsumori because of their failure to disclose disabling a question after a predetermined number of attempts, or accessing an input file for indicating a list of possible answers and the correct answers. Futakuchi, however, fails to provide the undisclosed elements of amended claims 1, 8, 11, and 16. Accordingly, Applicant respectfully submits that the combination of Ziv-el and Tsumori with Futakuchi fails to make the rejected claims obvious. Applicant further submits that the addition of Futakuchi likewise fails to make the above-identified dependent claims obvious because of their dependency on allowable base claims.

In addition, Applicant submits that, for the same reasons as identified above, there is no motivation or suggestion in Ziv-el or Tsumori for the combination with Futakuchi. Absent motivation or suggestion for combination, the obviousness rejection is improper.

Reconsideration and withdrawal of this rejection is respectfully requested.

Applicant therefore respectfully submits that the combination of Ziv-el and Tsumori, and further combination with Futakuchi fails to teach or suggest every characteristic of applicants' claims 1, 8, 11, and 16. Dependent claims 2-7, 9-10, 12-15, and 17-20 are also allowable based on their dependency on the aforementioned independent claims in addition to their own claimed characteristics. Applicant further submits that all pending claims of the present invention are not obvious with respect to, and are therefore allowable over, the cited document.

## CONCLUSION

In view of the foregoing, it is respectfully submitted that this application is now in condition for allowance. Applicant courteously solicits allowance of the claims in the form of a Notice of Allowance. Should there be any outstanding issues of patentability following the entry of this response, a telephone interview is respectfully requested to resolve such issues.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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